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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,238	12/11/2001	Robertus Antonius Johannes Van Kollenburg	NL 000727	3098

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

ORTIZ CRIADO, JORGE L

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/014,238

Applicant(s)

VAN KOLLENBURG, ROBERTUS
ANTONIUS JOHAN

Examiner

Jorge L. Ortiz-Criado

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figure 6, reference label **HC**. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 3, 10, 13 and 20 are objected to because of the following informalities:

Claims 3 and 13 recites, “the periodic pattern a shifted” and should be “the periodic patter is shifted”.

Claims 10 and 20 recites, “lead0in” and should be “lead-in”.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Roth et al. U.S. Patent No. 5,418,764.

Regarding claim 1, Roth et al. discloses a record carrier of the disc-like optically inscribable type, having a preformed track in which an auxiliary signal comprising a sequence of codes is recorded by means of a preformed track modulation (See Abstract; Figs. 1-7),

which codes comprise a sequence of address codes (AC) specifying the addresses of the track portions in which said address codes (AC) are recorded (See Abstract; col. 4, line65 to col. 5, line 31; Figs. 6,7)and

special codes (SC/HC) which can be distinguished from said address codes (AC) specifying control data for controlling a recording by a recording device (See Abstract; col. 4, line65 to col. 5, line 31; Figs. 6,7) and

which sequence can be obtained by replacing in a sequence of address codes (AC) with consecutive address values a plurality of said address by special codes (SC) (See Figs. 7; Abstract; col. 4, line65 to col. 5, line 31; col. 6, line 1 to col. 7, line 56),

characterized in that, the said sequence comprises a periodic pattern of address codes and special codes which pattern has a predetermined positional relationship with respect to a predetermined reference address (See Figs. 6, 7; col. 4, line 65 to col. 5, line 31; col. 6, line 1 to col. 7, line 56)

Regarding claim 2, Roth et al. discloses provided with a lead-in area located at an inner area of the disc comprising said special codes, characterized in that, the predetermined reference address is the start address or end address of the lead-in area (See col. 6, line 1 to col. 7, line 56; i.e. special code for "AVI"/lead-in area; Fig. 6,7)

Regarding claim 4, Roth et al. discloses the periodic pattern comprising a first number of distinct special codes separated by a first number of successive address codes, characterized in that, the first number of distinct special codes have a predetermined order (See col. 6, line 1 to col. 7, line 56; Figs. 6,7)

Regarding claim 3, Roth et al. discloses the periodic pattern comprising special codes separated by a first number of successive address codes (See col. 6, line 1 to col. 7, line 56; Figs. 6,7), characterized in that, the periodic pattern is shifted a predetermined number of address codes with respect to the predetermined reference address (AC) (See col. 6, line 1 to col. 7, line 62")

Regarding claim 5, Roth et al. discloses provided with a lead-out area located at an outer area of the disc, characterized, in that the lead-out area comprises additional control information for controlling recording by a recording device, the presence thereof being indicated by the predetermined positional relationship (See Figs. 4,5,6; col. 5, lines 41-67; col. 6, line 1-63)

Regarding claim 6, Roth et al. discloses a device for recording and/or playback a record carrier of the inscribable type (See Fig. 8,9; col. 7, line 63 to col. 10, line 20), the device comprising

reading means for reading the information recorded on the record carrier and recording means for recording the record carrier in accordance with an recording process, the reading means comprising means to read the auxiliary signal recorded on a record carrier, selecting means for selectively selecting extracting the special codes and the address codes from the auxiliary signal (See Fig. 8-ref#82,86,88-97, col. 7, line 63 to col. 10, line 15),

control means for controlling the recording process, characterized in that, the control means are adapted to determine the predetermined positional relationship of the periodic pattern of address codes and special codes and to control the recording process in accordance with said determination (See Figs. 9,8-ref# 94, col. 7, line 63 to col. 10, line 20)

Regarding claim 7, Roth et al. discloses characterized in that, the control means are adapted to read a special area on the record carrier upon detecting a predetermined positional relationship (See col. 10, lines 16-31; Fig. 9)

Regarding claim 8, Roth et al. discloses adapted to cooperate with a record carrier provided with a lead-in zone at an inner part of the record carrier and a lead-out zone at an outer part of the record carrier (See col. 10, lines 16-31; Fig. 9),

characterized in that, the control means are adapted to initially read the special information in the lead-in zone and (See col. 10, lines 32-45; Fig. 9), only upon detection of a predetermined positional relationship, subsequently read the lead-out zone (See col. 11, lines 8-19, the lead-out area is reached upon detection of "AVO special code")

Regarding claim 9, Roth et al. discloses wherein the predetermined positional relationship is defined by a shifting of the special codes (See col. 5, lines 5-16; See col. 6, line 1 to col. 7, line 56; Figs. 4-7, specials codes (HC) shifted with respect to the address codes)

Regarding claim 10, Roth et al. discloses wherein the predetermined positional relationship is defined by a shifting of the special codes with respect to a lead-in area or lead-out area of the disc (See Figs. 4-7, specials code (HC) shifted with respect to the address codes which defines AVI lead-in(AC))

Regarding claim 11, Roth et al. discloses a record carrier of the disc-like optically inscribable type, having a preformed track in which an auxiliary signal comprising a sequence of codes is recorded by means of a preformed track modulation (See Abstract; Figs. 1-7),

which codes comprise a sequence of address codes (AC) specifying the addresses of the track portions in which said address codes (AC) are recorded (See Abstract; col. 4, line 65 to col. 5, line 31; Figs. 6,7) and

special codes (SC/HC) which can be distinguished from said address codes (AC) specifying control data for controlling a recording by a recording device (See Abstract; col. 4, line 65 to col. 5, line 31; Figs. 6,7) and

which sequence can be obtained by replacing in a sequence of address codes (AC) with consecutive address values a plurality of said address by special codes (SC) (See Figs. 7; Abstract; col. 4, line 65 to col. 5, line 31; col. 6, line 1 to col. 7, line 56), characterized in that, the said sequence comprises a periodic pattern of address codes and special codes which pattern has a predetermined positional relationship with respect to an additional piece of information (See Figs. 6, 7; col. 4, line 65 to col. 5, line 31; col. 6, line 1 to col. 7, line 56)

Regarding claim 12, Roth et al. discloses provided with a lead-in area located at an inner area of the disc comprising said special codes, characterized in that, the additional piece of information is the start address or end address of the lead-in area (See col. 6, line 1 to col. 7, line 56; i.e. special code for "AVI"/lead-in area; Fig. 6,7)

Regarding claim 13, Roth et al. discloses the periodic pattern comprising special codes separated by a first number of successive address codes (See col. 6, line 1 to col. 7, line 56; Figs. 6,7), characterized in that, the periodic pattern is shifted a predetermined number of address

codes with respect to the predetermined reference address which defines position AVI lead-in(AC)(See col. 6, line 1 to col. 7, line 62”)

Regarding claim 14, Roth et al. discloses the periodic pattern comprising a first number of distinct special codes separated by a first number of successive address codes, characterized in that, the first number of distinct special codes have a predetermined order (See col. 6, line 1 to col. 7, line 56;l Figs. 6,7)

Regarding claim 15, Roth et al. discloses provided with a lead-out area located at an outer area of the disc, characterized, in that the lead-out area comprises additional control information for controlling recording by a recording device, the presence thereof being indicated by the predetermined positional relationship (See Figs. 4,5,6; col. 5, lines 41-67; col. 6, line 1-63)

Regarding claim 16, Roth et al. discloses a device for recording and/or playback a record carrier of the inscribable type (See Fig. 8,9; col. 7, line 63 to col. 10, line 20), the device comprising

reading means for reading the information recorded on the record carrier and recording means for recording the record carrier in accordance with an recording process, the reading means comprising means to read the auxiliary signal recorded on a record carrier, selecting means for selectively selecting extracting the special codes and the address codes from the auxiliary signal (See Fig. 8-ref#82,86,88-97, col. 7, line 63 to col. 10, line 15),

control means for controlling the recording process, characterized in that, the control means are adapted to determine the predetermined positional relationship of the periodic pattern of address codes and special codes and to control the recording process in accordance with said determination (See Figs. 9,8-ref# 94, col. 7, line 63 to col. 10, line 20)

Regarding claim 17, Roth et al. discloses characterized in that, the control means are adapted to read a special area on the record carrier upon detecting a predetermined positional relationship (See col. 10, lines 16-31; Fig. 9)

Regarding claim 18, Roth et al. discloses adapted to cooperate with a record carrier provided with a lead-in zone at an inner part of the record carrier and a lead-out zone at an outer part of the record carrier (See col. 10, lines 16-31; Fig. 9),

characterized in that, the control means are adapted to initially read the special information in the lead-in zone and (See col. 10, lines 32-45; Fig. 9), only upon detection of a predetermined positional relationship, subsequently read the lead-out zone (See col. 11, lines 8-19, the lead-out area is reached upon detection of "AVO special code")

Regarding claim 19, Roth et al. discloses wherein the predetermined positional relationship is defined by a shifting of the special codes (See col. 5, lines 5-16; col. 6, line 1 to col. 7, line 56; Figs. 4-7, special codes (HC) shifted with respect to the address codes)

Regarding claim 20, Roth et al. discloses wherein the predetermined positional relationship is defined by a shifting of the special codes with respect to a lead-in area or lead-out area of the disc (See Figs. 4-7, specials code (HC) shifted with respect to the address codes which defines AVI lead-in(AC))

Response to Arguments

5. Applicant's arguments filed 12/09/2004 have been fully considered but they are not persuasive.

Applicants argues that Roth et al. dos not disclose or suggest a sequence of address codes and special codes to have a predetermined positional relationship with respect to a predetermined reference address, as specified in the description on page 8 line 15 to page 9 line 17.

The Examiner cannot concur because the claims are given the broadest reasonable interpretation consistent with the specification. See *In re Morris*, 127 F.3d 1048, 44 USPQ2d 1023 (Fed. Cir. 1997). Although the claims are interpreted in light of the specification, **limitations from the specification are not read into the claims.** See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993)

Roth et al. dos not disclose address codes and special codes which patterns has a predetermined positional relationship with respect to a predetermined reference address/ an additional piece of information. At least in Figs. 6,7 clearly show pattern of address codes and special codes has a predetermined positional relationship with respect to”a predetermined

reference address/an additional piece of information" /"AVI/lead-in area" described in the col. 5, 6 ad 7 as cited by the examiner.

Roth et al. discloses wherein the special codes (HC) are preceded by 9 address codes and or variable number of address codes. Hence, the pattern is shifted a predetermined number of address codes AC. The reference address is the start address of the lead-in area wherein the value of the address code (AC) is AVI.

Furthermore, Roth et al. discloses that the special codes can be positioned/shifted freely at desired shifted position where the codes are recorded.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Art Unit: 2655

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge L. Ortiz-Criado whose telephone number is (571) 272-7624. The examiner can normally be reached on Mon.-Thu.(8:30 am - 6:00 pm), Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne R. Young can be reached on (571) 272-7582. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

joc



DAVID L. OMETZ
PRIMARY EXAMINER